REMARKS

I.   Summary of the Office Action and this Reply

Claims 5-8, 27-38, 42, 45-47 and 50-75 are pending. Applicants gratefully acknowledge the Examiner's allowance of claims 5-8, 27-38, 42, 45-47 and 69-75, and recognition of allowable subject matter in claims 52, 54-63 and 66-68.

Claim 73 is amended to address the Examiner's comments in paragraph 3.1 of the Action.

Claims 50, 51, 53, 64 and 65 are rejected under 35 U.S.C. § 102(e), asserting that such claims are anticipated by U.S. Patent No. 6,085,199 to Rose ("Rose"). The Examiner has further rejected claims 50, 51, 53, 64 and 65 under 35 U.S.C. §§ 102(a) and 102(e), asserting that such claims are anticipated by U.S. Patent No. 5,764,235 to Hunt ("Hunt"). In this Reply, claims 50 and 64 are amended.

II.   Discussion

The Claimed Invention

Reference is made to the discussion in Applicants' Reply mailed April 17, 2003, where it is discussed in detail that users can receive individual files in various formats and/or resolutions, with a corresponding savings in network resources and latency for selection of smaller, lower resolution versions of files. Page 12, lines 3-22. In relevant part, it is further discussed that the client may register a preference for a default version to automatically have files delivered in a predetermined manner, without the need for a user's intervention, selection or request. Page 19,

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lines 17-25. Accordingly, in certain embodiments, the particular version of a requested file that is delivered to a requesting client is not specified by the user or otherwise determined on a per-request basis, but rather is determined by a predetermined default setting that is established before a client's request for a file.

U.S. Patent No. to 6,085,199 to Rose

Rose discloses a method for distributing a file in a plurality of different file formats, primarily based upon the user's selection of a particular file format. Rose further discloses that in a certain embodiment, selection of the particular file format is not done by the user. Instead, the user only selects a file without specific selection of the format. In such an embodiment, "the server would be able to determine which formats the user would be capable of playing and download the selected file in an appropriate file format automatically." Col. 5, lines 12-16. Accordingly, Rose further discloses that the server may be able to actively determine which format(s) a particular client device would be capable of playing, e.g., by determining which player programs are available to a given user, and to download the file in a corresponding format.

U.S. Patent No. to 5,764,235 to Hunt

Hunt discloses techniques for transmitting graphical images in a network environment such that the amount of data of the graphical images is customized. Abstract. However, the technique involves obtaining image control information, particularly from a client. Col. 2, lines 31-43; col. 3, lines 3-4. Both the client and

the server must be able to support the disclosed image customization process in order to allow for transmission of the image control information customizing the image in response thereto. Col. 5, lines 17-22; col. 7, lines 13-22.

III.   Response to 102 Rejections

In paragraphs 5-10 of the Action, the Examiner rejected claims 50, 51, 53, 64 and 65 over Rose, or alternatively Hunt. Claims 50 and 64 have been amended.

A rejection under 35 U.S.C. § 102 is proper only if each and every element of the claim is found in a single prior art reference. MPEP § 2131.

Claims 50, 51 and 53

Independent claim 50 is directed to a method in which the derived version is a predetermined default version that is a low resolution version of the parent file. This is neither taught nor suggested by Rose or Hunt, and the Examiner does not assert that the cited art teaches use of a predetermined default version in paragraph 6 of the Action, which sets forth the grounds for the rejection.

For example, the client may specify a preference identifying a particular desired default version (e.g. a certain format of a low resolution version) for any file(s) that the client may later request. Page 19, lines 17-25. Alternatively, a proxy interconnecting the client and server may be configured with a default setting specifying the default version that it will use for delivery of any requested files. In any case, the default version for delivery of files is established before receipt of a

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<u>client's request for a particular file.</u> Claim 50 is amended herein to emphasize this point.

Accordingly, the client, etc. need not specify a version for delivery of a particular file at the time of requesting the file. Instead, the identity of the delivered version (e.g., a certain format of a low resolution version) will be determined by the pre-established, predetermined default setting. Accordingly, a proxy or other deriving computer may derive a derived version for delivery to a client automatically, without the need for per-request version information from a client. In other words, the version (format, resolution, etc.) to be delivered is predetermined and applicable to many requested files, and so need not be specified for any particular requested file, thereby permitting the derivation of the derived version in an automated fashion, rather than responsive to a client's specification of a particular requested version for a respective requested file. Page 19, lines 17-25.

Additionally, because the proxy/deriving computer is configured with a predetermined default setting, there is no need for special configuration of the client and/or server (e.g., to determine which versions are supported by a given client device as in Rose) or to handle communications specifying versions, etc., or conduct such communications which would slow file delivery by requiring extra steps/processes (as in Rose and Hunt). Accordingly, formats/versions need not be handled on a per-request basis, but rather can be handled in bulk. This is contrary to the teachings of Rose and Hunt, and is neither taught nor suggested therein.

For at least these reasons, claim 50 is patentable. Claims 51 and 53 depend from claim 50 and are likewise patentable. Reconsideration and withdrawal of the rejections of claims 50, 51 and 53 is therefore respectfully requested.

Claims 64 and 65

Independent claim 64 and dependent claim 65 are believed patentable for reasons similar to those set forth above for claim 50. In particular, claim 64 requires derivation of a derived version, the identity of which is determined by a predetermined default setting for delivery of files that is established before receipt of the request for the parent file. This permits the derived version to be derived automatically, without the need for the user to specify, at the time of the request for the file, a desired version of the requested file that the user wishes to receive. Claim 64 is amended herein to expressly recite that the deriving occurs "automatically." This is neither taught nor suggested by Rose or Hunt.

Further, it is noted that the Examiner does not assert that the cited art teaches use of a predetermined default setting in paragraph 9 of the Action, which sets forth the grounds for the rejection of claims 64 and 65.

Claim 65 depends from claim 64 and is likewise believed patentable. Additionally, claim 65 expressly recites that the default setting is specified by the client before the request for the parent file, which is neither taught nor suggested by Rose or Hunt.

For at least these reasons, claims 64 and 65 are believed patentable.
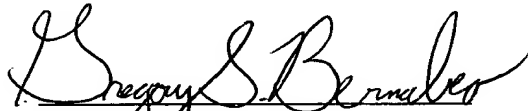
Reconsideration and withdrawal of the rejections of claims 64 and 65 is therefore

respectfully requested.

CONCLUSION

In view of the foregoing amendments and remarks, Applicants believe claims

5-8, 27-38, 42, 45-47 and 50-75 to be patentable and the application in condition for

allowance. Applicants respectfully request issuance of a Notice of Allowance. If

any issues remain, the undersigned request a telephone interview prior to the

issuance of an action.

Respectfully submitted,

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Gregory S. Bernabeo
Reg. No. 44,032

Theodore Naccarella
Reg. No. 33,023

Synnestvedt & Lechner LLP
2600 Aramark Tower
1101 Market Street
Philadelphia, PA 19107
Telephone: (215) 923-4466
Facsimile: (215) 923-2189

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